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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,858	05/22/2001	Robert B. Chaffee	C0852/7013 JNA	8373
37462 7590 05/15/2007 LOWRIE, LANDO & ANASTASI RIVERFRONT OFFICE ONE MAIN STREET, ELEVENTH FLOOR CAMBRIDGE, MA 02142			EXAMINER CONLEY, FREDRICK C	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/862,858

Applicant(s)

CHAFFEE, ROBERT B.

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-15, 18-34, 55 and 62-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15, 18-34, 55 and 62-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7, 9-14, 18-20, 22, 24, 26-27, 30, 32-34, 55, 62-64, 66, and 67-73 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,695,269 to Anscher.

In reference to claims 1, 13, and 62, Anscher discloses a fastener having a housing defined by a semicircular wall and overhanging lip (19,20)(fig. 4-5) connected to the base adapted to retain a fastening element 25 (fig. 3) when the fastening element is inserted in the housing and a depressible latch 23 connected to the base external the housing (fig. 9-10) retaining a fastening element by interference with a lateral surface 28 of the fastening element, the depressible latch including a surface that is proximate an opening in the housing and is externally accessible with the fastening element retained in the housing, the depressible latch is configured such that the fastening element is inhibited from being removed from the housing absent an application of a force applied to the surface proximate the opening to depress the depressible latch (col. 3 lines 48-58).

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Regarding claims 2, 19, and 63, Anscher discloses the fastener of claims 1 and 62 as discussed above, and discloses a flange defined by base 10 and wherein the housing and the latch are both connected to the flange.

Regarding claims 3, 20, and 64, Anscher discloses the fastener of claims 1 and 62 as discussed above, and Zimmerman discloses the flange is configured so that it can be connected to a sheet of material 18.

Regarding claims 5, 22, 30, and 66, Anscher discloses the fastener of claims 1 and 62 as discussed above, and Zimmerman discloses the housing comprises a side wall 19 and a retaining lip 20.

Regarding claims 7, 24, 32, and 68, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the side wall 19 comprising a semi-circular section (fig. 1).

Regarding claims 9, 26, and 69, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch is flexible (fig. 9-10)(col. 4 lines 15-21).

Regarding claims 10, 27, and 70, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch having a flange defined by arm 21 that is generally parallel to a base of the housing and projecting towards the interior of the housing (fig. 1).

Regarding claims 11, 33, and 71, Anscher discloses the fastener of claims 1 and 22 as discussed above, and further discloses the latch defines a protrusion having a wall portion corresponding to the shape of the fastening element (fig. 15b).

Regarding claims 12 and 72, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the fastener is formed in a sheet of material 18.

Regarding claim 14, wherein the fastening element is flexible (col. 4 lines 15-21 & 55-56).

Regarding claim 18, Anscher discloses a fastener that can be attached to a first surface 18, comprising:

- a base 10;

- a housing connected to the base comprising a retaining lip 20; the housing having a second surface defined by the top (fig. 4,5), at least a portion of the second surface being substantially parallel to the first surface, the housing being sized and adapted to retain a fastening element; and

- a latch 23 connected to the base external the housing positioned relative to the housing (fig. 9-10) that in combination with the housing retains the fastening element, wherein the latch comprises a first depressible portion to which pressure is applied when the fastening element is moved into engagement with the fastener and a second portion comprising a third surface defined by an engaging floor disposed intermediate the first surface and the second surface upon which the fastening element rests when in an engaged position (fig. 4-5), at least a portion of the third surface being substantially parallel to the first surface.

Regarding claim 34, Anscher discloses the fastener of claim 13 as discussed above, and further discloses the latch is depressible and is positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element (fig. 9-10)(col. 4 lines 48-58).

Regarding claim 55, Ansher discloses the fastener of claim 13 as discussed above, and further discloses the fastener is attached to an object and the latch is depressible in the direction of the object.

Regarding claim 73, Ansher discloses the fastener of claim 62 as discussed above, and further discloses that the depressible latch is accessible such that an external force can be applied by an operator's finger to depress the latch (col. 4 lines 53-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 23, 31, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,695,269 to Ansher in view of U.S. Pat. No. 5,507,610 to Benedetti et al.

Regarding claims 6, 23, 31, and 67, Ansher discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the retaining lip defining a downwardly extending notch to accommodate a fastening element attachment mechanism.

Benedetti discloses a fastening assembly with a housing 12 having a retaining lip defining a downwardly extending notch 14. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ the retaining lip and extending notch as taught by Benedetti in order to prevent the fastener from being exposed (col. 4 lines 9-11).

Claims 4, 15, 21, 25, 28-29, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,695,269 to Ansher.

Regarding claims 15 and 25, Ansher discloses the fastener of claim 13 as discussed above, but fails to disclose the housing being flexible. The flexibility of

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molded materials is well known and it would have been obvious to construct the entire housing from a material that is flexible in order to provide a resilient latch to releasably hold the fastening element.

Regarding claims 4, 21, 28-29, and 65, Anscher discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the flange being made of thermoplastic and heat sealed the sheet of material. The use of thermoplastic fabric materials and the methods employed to seal components together are well known and it would have been obvious for one having ordinary skill in the art at the time of the invention to merely select a thermoplastic material and heat seal the flange to the fabric in order to ensure fastening assembly of Ansher does not break away from the edges of the fabric.

Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,695,269 to Ansher in view of U.S. Pat. No. 4,681,552 to Courtney.

Regarding claim 74, Ansher discloses the fastener of claim 13 as discussed above, but fails to disclose an inflatable bladder. Courtney discloses a backpack 24 having an inflatable bladder 36. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ an inflatable bladder as taught by Courtney in order to provide buoyancy compensation and provide a life vest.

Response to Arguments

Applicant's arguments filed 2/26/07 have been fully considered but they are not persuasive.

Contrary to the Applicant's arguments, the '680 application does support the claimed invention in claims 1, 13, 18, and 62. Specifically, Ansher '680 discloses a fastener having a housing defined by a semicircular wall and overhanging lip (19,20)(fig. 4-5)(pg. 7 line 10) adapted to retain a fastening element 25 (fig. 3)(pg. 8 line 2) when the fastening element is inserted in the housing and a depressible latch 23 (pg. 7 lines 16-21) retaining a fastening element by interference with a lateral surface 28 (pg. 8 line 7) of the fastening element, the depressible latch including a surface that is proximate an opening in the housing and is externally accessible with the fastening element retained in the housing, the depressible latch is configured such that the fastening element is inhibited from being removed from the housing absent an application of a force applied to the surface proximate the opening to depress the depressible latch.

With regards to figure 15b, the Examiner relied on the figure since it better illustrates a side cross-sectional view of the depressible latch wherein a second portion comprising a third surface defined by an engaging floor disposed intermediate the first surface and the second surface upon which the fastening element rests when in an engaged position. Figure 15b is not an alternative embodiment as asserted by the Applicant. The depressible latch 23 is clearly disclosed in the Application '680 figures 4-5 (pg. 7 line 10).

Therefore, the fastening assembly was described in the Application before the invention by the applicant since '680 fully describes the structural limitations of claims 1, 13, 18, and 62.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FC



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5-10-07